



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

Sentrix Pharmacy and Discount LLC

Respondent Name

State Office of Risk Management

MFDR Tracking Number

M4-17-3261-01

Carrier's Austin Representative

Box Number 45

MFDR Date Received

July 10, 2017

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Sentrix Pharmacy and Discount LLC (the 'Pharmacy') requests payment for the services rendered to [injured employee] on 11/14/16. The service rendered was the filing and dispensing of prescription and medication. The claim(s) in question were properly submitted pursuant to the Pharmaceutical Benefits rules codified in 28 Texas Administrative Code (TAC) §134.500 through §134.550."

Amount in Dispute: \$5,513.46

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The Office found that while the requestor's rationale is the 'the medication's prescribed for the topical compound analgesic are 'Y' status, it has been determined that the Drug Formulary only lists those medications as 'Y' status for the FDA approved use of a tablet/pill form to be prescribed and taken orally."

Response Submitted by: State Office of Risk Management

SUMMARY OF FINDINGS

| Dates of Service | Disputed Services | Amount In Dispute | Amount Due |
|-------------------|------------------------------|-------------------|------------|
| November 14, 2016 | Pharmacy Services – Compound | \$5,513.46 | \$5,462.74 |

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.502 sets out the procedures for pharmaceutical benefits.
3. 28 Texas Administrative Code §134.503 sets out the fee guidelines for pharmaceutical services.
4. 28 Texas Administrative Code §134.540 sets out the closed formulary requirements for claims subject to

certified networks.

5. Texas Insurance Code, Chapter 4201 provides requirements related to utilization review.
6. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
 - 197- PRECERTIFICATION/AUTHORIZATION/NOTIFICATION ABSENT
 - 309 – THE CHARGE FOR THIS PROCEDURE EXCEEDS THE FEE SCHEDULE ALLOWANCE
 - P12 – WORKERS’ COMPENSATION JURISDICTIONAL FEE SCHEDULE ADJUSTMENT

Issues

1. Is the insurance carrier’s reason for denial of payment supported?
2. Is Sentrix Pharmacy and Discount LLC (Sentrix) entitled to reimbursement of the disputed services?

Findings

1. Sentrix Pharmacy and Discount LLC is seeking reimbursement of \$5,513.46 for a compound dispensed on November 14, 2016. State Office of Risk Management denied the disputed service with claim adjustment reason code 197 – “PRECERTIFICATION/AUTHORIZATION/NOTIFICATION ABSENT”, 309 – “THE CHARGE FOR THIS PROCEDURE EXCEEDS THE FEE SCHEDULE ALLOWANCE” and P12 – “WORKERS’ COMPENSATION JURISDICTIONAL FEE SCHEDULE ADJUSTMENT.” 28 Texas Administrative Code §134.540(b) states that preauthorization is **only** required for:
 - (1) drugs identified with a status of “N” in the current edition of the *ODG Treatment in Workers' Comp (ODG) / Appendix A, ODG Workers' Compensation Drug Formulary*, and any updates;
 - (2) any compound that contains a drug identified with a status of "N" in the current edition of the *ODG Treatment in Workers' Comp (ODG) / Appendix A, ODG Workers' Compensation Drug Formulary*, and any updates; and
 - (3) any investigational or experimental drug for which there is early, developing scientific or clinical evidence demonstrating the potential efficacy of the treatment, but which is not yet broadly accepted as the prevailing standard of care as defined in Labor Code §413.014(a).

Provision §134.540(b)(1) preauthorization requirement is not discussed in this dispute because it was not asserted by either party in this dispute and is not applicable to the compound in question.

While not asserted by State Office of Risk Management, Sentrix was not required to seek preauthorization pursuant to §134.540(b)(2) because none of the compounded ingredients have a status of "N" in the current edition of the ODG/Appendix A.

Instead, it is determined on a case by case basis as a utilization review pursuant to Texas Insurance Code §4201.002. Further, Texas Insurance Code §4201.002(13) states that utilization review, in relevant part, “includes a system for prospective, concurrent, or retrospective review to determine the experimental or investigational nature of health care services.”

The division found **no evidence** that State Office of Risk Management engaged in a prospective or retrospective utilization review (UR) as required by Texas Insurance Code §4201.002 in order to establish that the following compound is investigational or experimental in nature:

| Compound Cream in Dispute | |
|--------------------------------|-----------|
| Ingredient | Amount |
| Propylene Glycol | 7.20 ml |
| Sanare Gel | 107.40 gm |
| Fluticasone Propionate | 1.200 gm |
| Pentoxifylline | 0.600 gm |
| Tranilast | 1.200 gm |
| Levocetirizine Dihydrochloride | 2.400 gm |

Because State Office of Risk Management failed to perform UR on the above listed compound, the requirement for preauthorization under §134.540(b)(2) is **not triggered** in this case. State Office of Risk Management’s preauthorization denial is therefore not supported.

Absent any evidence that State Office of Risk Management presented other defenses to Sentrix before medical fee dispute resolution that conform with the requirements of Title 28, Part 2, Chapter 133, Subchapter C, the division finds that the compounds in question are eligible for reimbursement.

2. Sentrix is seeking reimbursement for a compound dispensed on January 30, 2017 with the following ingredients:

- Propylene Glycol, NDC 00395232728, \$1.66
- Sanare Gel, NDC 00395701159, \$1,305.04
- Fluticasone Propionate, NDC 00395805419, \$4,138.95
- Pentoxifylline, NDC 3877925608, \$4.96
- Tranilast, NDC 52372077002, \$12.12
- Levocetirizine Dihydrochloride, NDC 53272069903, \$50.72

The division finds that NDC 53272069903 is not a valid national drug code (NDC) as required by 28 Texas Administrative Code §134.502(d)(1). Therefore, this ingredient will not be considered for reimbursement.

28 Texas Administrative Code §134.503 applies to the services in dispute and states, in pertinent part:

- (c) The insurance carrier shall reimburse the health care provider or pharmacy processing agent for prescription drugs the lesser of:
- (1) the fee established by the following formulas based on the average wholesale price (AWP) as reported by a nationally recognized pharmaceutical price guide or other publication of pharmaceutical pricing data in effect on the day the prescription drug is dispensed:
 - (A) Generic drugs: $((\text{AWP per unit}) \times (\text{number of units}) \times 1.25) + \4.00 dispensing fee per prescription = reimbursement amount;
 - (B) Brand name drugs: $((\text{AWP per unit}) \times (\text{number of units}) \times 1.09) + \4.00 dispensing fee per prescription = reimbursement amount;
 - (C) When compounding, a single compounding fee of \$15 per prescription shall be added to the calculated total for either paragraph (1)(A) or (B) of this subsection; or
 - (2) notwithstanding §133.20(e)(1) of this title (relating to Medical Bill Submission by Health Care Provider), the amount billed to the insurance carrier by the:
 - (A) health care provider; or
 - (B) pharmacy processing agent only if the health care provider has not previously billed the insurance carrier for the prescription drug and the pharmacy processing agent is billing on behalf of the health care provider.

The compounds in dispute were billed by listing each drug included in the compound and calculating the charge for each drug separately as required by 28 Texas Administrative Code §134.502(d)(2).

Reimbursement is calculated as follows:

| Ingredient | NDC & Type | Price/Unit | Total Units | AWP Formula §134.503(c)(1) | Billed Amt §134.503 (c)(2) | Lesser of (c)(1) and (c)(2) |
|------------------------|------------------------|------------|-------------|--|----------------------------|-----------------------------|
| Propylen Glycol | 00395232728 Generic | \$0.20 | 7.20 ml | $\$0.20 \times 7.20 \times 1.25 = \1.82 | \$1.66 | \$1.66 |
| Sanare Gel | 00395701159 Generic | \$12.15 | 107.40 gm | $\$12.15 \times 107.40 \times 1.25 = \$1,631.14$ | \$1,305.04 | \$1,305.04 |
| Fluticasone Propionate | 00395805419 Generic | \$3,449.36 | 1.200 gm | $\$3,449.36 \times 1.200 \times 1.25 = \$5,174.03$ | \$4,138.95 | \$4,138.95 |
| Pentoxifylline | 38779256008 Generic | \$8.28 | 0.600 gm | $\$8.28 \times 0.600 \times 1.25 = \6.21 | \$4.96 | \$4.96 |

| | | | | | | |
|-----------|------------------------|---------|-------------|-------------------------------------|---------|------------|
| Tranilast | 52372077002 Generic | \$10.15 | 1.200 gm | \$10.15 x 1.200 x 1.25 = \$15.23 | \$12.13 | \$12.13 |
| | | | | | Total | \$5,462.74 |

The total allowable reimbursement for the compound in dispute is \$5,462.74. This amount is recommended.

Conclusion

The outcome of this medical fee dispute relied upon the evidence presented by the requestor and the respondent at the time of adjudication. Though all the evidence may not have been discussed, it was considered. For the reasons stated above, the division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$5,462.74.

ORDER

Based on the submitted information, pursuant to Texas Labor Code Section 413.031 and 413.019 (if applicable), the division has determined the requestor is entitled to additional reimbursement for the disputed services. The division hereby ORDERS the respondent to remit to the requestor \$5,462.74, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

Authorized Signature

| | | |
|-----------|--|------------|
| | | 12/14/2017 |
| Signature | Medical Fee Dispute Resolution Officer | Date |

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with Rule §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.